

DETAILED ACTION

Allowable Subject Matter

1. Claims **1-20, 22, 23 and 26-29** are allowed.
2. The following is an examiner's statement of reasons for allowance:

The art of record either alone or in combination fails to teach, disclose or suggest the steps/elements of the invention in claims 1, 14 and 28, with respective dependent claims, in particular:

determining viewing preferences using the stored data indicative of the user selected TV program and data indicative of at least some others of the TV programs competing with the viewer selected TV program that were not selected as well as one or more known program traits and one or more associated program traits, the associated program traits being combined with other known program traits so as to generate new program traits representative of said viewer's degree of preference of a program according to a regression analysis of the viewing habits of the particular viewer over time.

The closest art of record, Herz (Patent No. 6,029,195) fails to teach the associated program traits being combined with other known program traits so as to generate new program traits representative of said viewer's degree of preference of a program according to a regression analysis of the viewing habits of the particular viewer over time (which represents applicant's specification on page 15 to page 18, as indicated by applicant's response on 03/08/2010, page 11).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably

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accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to OMAR S. PARRA whose telephone number is (571)270-1449. The examiner can normally be reached on 9-6 PM (M-F, every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 571-272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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/KRISTINE KINCAID/
Supervisory Patent Examiner, Art Unit 2421